



Sent via Fax & Email

March 23, 2018

Honorable Mike McGuire
Chair, Senate Governance and Finance Committee
California State Capitol, Room 408
Sacramento, CA 95814
Fax: 916-322-0298
E-mail: senator.mcguire@senate.ca.gov

Re: SB 946 (Lara) - Support

Dear Chair McGuire and committee members:

Bet Tzedek Legal Services is pleased to support Senate Bill 946 (Lara), a bill that will help protect California workers and enhance economic opportunity in California.

Founded in 1974, the mission of Bet Tzedek (Hebrew for "House of Justice") is to act upon a central tenant of Jewish law and tradition: "Tzedek, Tzedek, tirdof – justice, justice, you shall pursue." The doctrine establishes an obligation to advocate the just causes of the most vulnerable members of society. Consistent with this mandate, Bet Tzedek provides free legal assistance to eligible low-income residents of Los Angeles County, regardless of their racial, religious, or ethnic background. Bet Tzedek attorneys, advocates, and support staff, along with our vast network of volunteer and pro bono attorneys, secure justice for our clients in each of our practices areas, including employment rights, consumer protection, elder law, housing, and public benefits.

Bet Tzedek's Employment Rights Project and Small Business Development Project share a mission to help low-wage and immigrant workers identify and establish opportunities where they will have access to a steady, legal income. Street vendors are low-wage workers who are seeking, through entrepreneurship, to exit the low-income workforce where wage theft makes it incredibly difficult to have a stable income. Decriminalization of street vending would allow many of our clients to escape the trappings of wage theft in the low-wage industries where employment is available.

Across California, tens of thousands of people work as sidewalk vendors - selling delicious food and offering sought-after merchandise on public sidewalks and in public parks. Safe, regulated sidewalk vending is an integral part of the fabric of our communities. Because of limited opportunities for employment in the formal economy and the low barriers to entry, thousands of immigrants turn to street vending to support themselves and their families. For these individuals, vending is an economic lifeline and the crucial first step towards economic mobility.

Additionally, Studies have demonstrated that sidewalk vending generates millions in local and state tax revenue as vendors buy supplies from local businesses and circulate money in communities that are often ignored by mainstream capital. In many food desert communities, fruit and vegetable vendors are the only source of healthy food retail available. Vendors activate commercial corridors, increase pedestrian foot traffic and provide eyes on the street to make neighborhoods safer and more dynamic.

Yet, despite the immense value to our communities, sidewalk vending is unfairly criminalized in cities and counties across California. Some jurisdictions impose an outright prohibition on sidewalk vending, while others impose onerous restrictions that severely limit vending and force workers into the informal economy. As a result, many sidewalk vendors face a harrowing catch-22: permits are impossible to obtain, but vending without a permit is prosecuted as a crime – often a misdemeanor. This means that hardworking entrepreneurs who provide necessary goods are treated as criminals.

The criminalization of sidewalk vending has significant and devastating consequences, especially in immigrant communities. Vendors charged with a misdemeanor can face penalties of six months in jail and \$1,000 in fines, as well as the potential seizure of personal property. One misdemeanor charge can have devastating effects on entire families that rely on the vendor's income to pay rent and put food on the table. These entrepreneurs are also discouraged from investing in their own business as the confiscation of their property and court fines often wipe out any capital they may accumulate.

Due to these criminal penalties, immigrant vendors face the risk of being transferred to, or picked up by federal immigration officials after being released from custody. Right now, a vendor and mother of five in Southern California sits in a detention center, separated from her family and facing the possibility of deportation. This situation stems directly from a simple sidewalk vending citation.¹ Furthermore, some vendors may be at heightened risk for deportation even if they are not ultimately charged or convicted, as the current executive orders on immigration enforcement instruct immigration officials to prioritize for deportation those that have merely "committed acts that constitute a chargeable criminal offense."² The failure to remove criminal penalties for vending throughout therefore unnecessarily places immigrant Californians at heightened risk of deportation under the administration's new approach to immigration enforcement.

SB 946 is a timely and necessary response to this injustice. SB 946 decriminalizes sidewalk vending, while allowing local jurisdictions to continue to enforce vending rules through non-criminal administrative fines and procedures. SB 946 also encourages local jurisdictions to adopt local sidewalk vending permitting regulations that will protect public safety while promoting entrepreneurship and economic mobility. By encouraging local jurisdictions to support and properly regulate sidewalk vending, SB 946 will help protect California's low-income immigrants and workers, promote safe and regulated


¹ Liset Marquez, "Street vendor facing deportation after Rancho Cucamonga arrest," Daily Bulletin, October 23, 2017. <https://www.dailybulletin.com/2017/10/23/street-vendor-facing-deportation-after-rancho-cucamonga-arrest/>

² See "Executive Order: Enhancing Public Safety in the Interior of the United States," <https://www.whitehouse.gov/the-press-office/2017/01/25/presidential-executive-order-enhancing-public-safety-interior-united>

vending, and create new opportunity for entrepreneurship and economic mobility throughout the state.

Thank you for your consideration of these comments. We urge you to support SB 946.

Yours Truly,



Jenna Miara
Directing Attorney, Impact Litigation & Policy

cc: Senator Janet Nguyen, Vice Chair
Senator Jim Beall
Senator Ed Hernandez
Senator Robert M. Hertzberg
Senator Ricardo Lara
Senator John M. W. Moorlach